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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,666	02/22/2000	Hans Kodeda	250/002	2852

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EXAMINER

FLORES RUIZ, DELMA R

ART UNIT PAPER NUMBER

2828

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/510,666

Applicant(s)

KODEDA ET AL.

Examiner

Delma R. Flores Ruiz

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Myers et al. (6,567,450).

Myers disclose on Figures 14E, 21A, 22I, 22J, 22L the claimed limitations. However the claimed limitations or components where not numbered at the reference and therefore, the examiner in order to clarify the components not numbered at the Figures 14E, 21A, 22I, 22J, 22L, is numbering said components. The following rejection makes reference to the numbers assigned by the examiner.

**Regarding claim 1** Myers disclose, on 14E, 21A, 22I, 22J, and 22L an unitary optical element (see Fig. 14E, Character 90) having a peripheral edge, the peripheral edge being substantially planar with respect to a first direction substantially perpendicular to the peripheral edge; a unitary holding (see Fig. 14E, Character 84) comprising a tubular gripping (see Fig. 14E, Character 93A) and tubular extraction portion (see Fig. 14E Character 91A) connected at one end to the tubular gripping portion and having a diameter less than the tubular gripping portion, the tubular gripping portion engaging the peripheral edge of the optical element to retain the optical element with the optical holder; and a retainer (see Fig. 14E, Character 92A) having a interior surface engaging an exterior surface of the tubular extraction portion of the optical holder so as to be slideable along the exterior portion in a second direction substantially perpendicular to the first direction.

**Regarding claims 2, 17** Myers disclose, on Figures 14E, 21A, 22I, 22J, and 22L, wherein the interior surface of the retainer engages the exterior surface of the tubular extraction portion such that the optical holder and optical element is rotateable with respect to the retainer perpendicular to the second direction.

**Regarding claim 3, 7, 19,** Myers disclose, on Figures 14E, 21A, 22I, 22J, and 22L, wherein the retainer (see Fig. 14E Character 92A) comprises an externally threaded sleeve; the optical element (see Fig. 14E Character 90) is substantially round;

and the extremely threaded sleeve has an axis of rotation substantially identical to the axis of rotation of the holder and the optical element with respect to the retainer.

**Regarding claims 4, 5, 6, and 8** Meyers disclose, on 14E, 21A, 22I, 22J, and 22L and 14, a mounting structure comprising an optical element receiving surface, wherein the retainer is removable engaged with the mounting structure such that when the retainer is engaged with the mounting structure the optical element is positioned against the optical element receiving surface, a seal interposed between the optical element, the optical element receiving surface and the retainer is threadably engaged with the mounting structure, the tubular gripping portion comprises a shoulder that is interposed between the retainer and the optical element.

**Regarding claims 10, 11, 13, 26, 27, and 29**, Meyers disclose, on Figures 14E, 21A, 22I, 22J, and 22L, and 14, a catch disposed on the exterior surface of the tubular extraction portion at an end opposite to the end connected to the gripping portion and the catch and stop is selected from the group consisting of a snap ring and detent.

**Regarding claims 12, 14, 15, and 28** Meyers disclose, on Figures 14E, 21A, 22I, 22J, and 22L the gripping portion comprises an annular clip in which the optical element is receiver and a stop provided on the inner surface of the annular chip, the mounting structure comprises a flexible tube element comprising a base and an optical

element receiving end, an optical element receiving surface within the flexible tube element proximate to the receiving end, and a flexible section interposed between the base end and the receiving surface, and the flexible section comprises a bellows.

**Regarding claims 16, 21,** Meyers discloses on Figures 14E, 21A, 22I, 22J, and 22L, a gas laser (Abstract) comprising; a tube having a first end wall at one end and a second end wall the other end, wherein the tube defines a cavity for containing a laser gas therein, and the first end wall includes a port; an electrode system disposed within the tube for generating a laser beam having an optical axis extending longitudinally through the tube and passing through the port; a mounting structure mounted on the first end wall of the tube, the mounting structure comprising an optical element (see Fig. 14E, Character 90) receiving surface and an aperture (see Fig. 14E Character 89) extending through the receiving surface, wherein the aperture is disposed transverse to the optical axis and is aligned with the port and the optical axis so that the optical axis passes through the aperture; an unitary optical element having a peripheral edge, the peripheral edge being substantially planar with respect to a first direction substantially perpendicular to the peripheral edge; a unitary optical holder comprising (see Fig. 14E, Character 84); a tubular gripping portion (see Fig. 14E, Character 93A) and a tubular extraction portion (see Fig. 14E, Character 91A) connected at one end to the tubular gripping portion and having a diameter less than the tubular gripping portion, the tubular gripping portion engaging the peripheral edge of the optical element to retain the optical

element with the optical holder; and a retainer (see Fig. 14E, Character 92A) having a interior surface engaging an exterior surface of the tubular extraction portion of the optical holder so as to be slideable along the exterior portion in a second direction substantially perpendicular to the first direction, the retainer being engage able with the mounting structure such that the optical element is positioned against the optical element receiving surface to form a gas tight seal therebetween; wherein the optical element is disposed traverse to the optical axis and the optical axis impinges on the optical element.

**Regarding claim 18,** Myers disclose discloses on Figures 14E, 21A, 22I, 22J, and 22L, the retainer (see Fig. 14E Character 92A) may be partially disengaged from the mounting structure, such that the optical holder (see Fig. 14E, Character 84) and optical element (see Fig. 14E Character 90) may be rotated within the retainer.

**Regarding claim 20,** Myers discloses on Figures 14E, 21A, 22I, 22J, and 22L, a gas laser comprising; the retainer comprises an externally threaded sleeve; the optical element (see Fig. 14E, Character 90) is substantially round; and the externally threaded sleeve has an axis of rotation substantially identical to the axis of rotation of the holder and the optical element with respect to the retainer.

**Regarding claims 22 and 23,** Myers discloses on Figures 14E, 21A, 22I, 22J, and 22L, a gas laser comprising; the retainer includes a first set of threads to removably engage the retainer and the mounting structure and first set of threads comprises an externally threaded sleeve.

**Regarding claims 24, 25,** Myers discloses on Figures 14E, 21A, 22I, 22J, 22L, and 62A, a gas laser comprising; the tubular gripping portion comprises a shoulder that is interposed between the retainer and the optical element, and the optical element is selected from the group consisting of a fully reflective mirror (see Fig. Characters 170 – 172 ), a partially transparent, partially reflective mirror, and a fully transparent window (see Fig. 14E, Character 89).

**Regarding claims 30, 31,** Myers discloses on Figures 14E, 21A, 22I, 22J, 22L, and 62A, a gas laser comprising; the mounting structure comprises a flexible tube element comprising a base end and optical element receiving end, and a flexible section (see Fig. 21I Character 94A) interpose between the base end and the receiving surface, and wherein the optical element receiving surface is part of the tube element, proximate the optical element receiving end and the flexible section comprises a bellows.

**Regarding claims 32 – 34,** Meyers discloses on Figures, 1 - 14E, 21A, 22I, 22J, 22L, and 62A, a gas laser comprising the base end is hermetically sealed to the first



end wall around the port so that the optical axis of the laser passes through the flexible tube element, the optical axis passes through the optical element at a point that is eccentric to the rotational axis of the optical element.

### ***Response to Arguments***

Applicant's arguments filed 3/24/2003 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1 - 34 have been considered but are moot in view of the new ground(s) of rejection. Applicants amendments raised new issues that made necessary the new art to be applied and therefore, the arguments presented against Vozzak are said to be moot due to the new grounds of rejection. Applicant's amendments have been fully addressed by the above presented rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Flores Ruiz whose telephone number is (703) 308-6238. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.



Delma R. Flores Ruiz

Examiner

Art Unit 2828

DRFR/PI

June 30, 2003



Paul Ip

Supervisor Patent Examiner

Art Unit 2828